

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :

v.

NEZZY ADDERLY

FILED

MAR 19 2010

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

ORDER

CIVIL ACTION NO. 09-3358

CRIMINAL ACTION NO. 06-548 -FILE

AND NOW, this 19th day of March 2010, upon consideration of the Petition for the Writ of Habeas Corpus Under 28 U.S.C. § 2255 filed *pro se* ("Petition") (Doc. No. 44), the Government's Response to the Petition (Doc. No. 47), Petitioner's Reply to the Government's Response filed *pro se* (Doc. No. 48), Petitioner's Amended Habeas Corpus Petition filed by appointed counsel ("Amended Petition") (Doc. No. 51), the Government's Response to the Amended Petition (Doc. No. 55), the Report and Recommendation filed by United States Magistrate Judge Carol Sandra Moore Wells (Doc. No. 56), Petitioner's Reply to the Government's Response to the Amended Petition filed *pro se* (Doc. No. 57), Petitioner's Objection to the Report and Recommendation filed by appointed counsel (Doc. No. 58), Petitioner's Objection to the Report and Recommendation filed *pro se* (Doc. No. 59), and after an independent review of the pertinent record and for the reasons stated in the Opinion dated March 15, 2010, it is **ORDERED** as follows:

1. The Petitioner's Objections (Docs. No. 58 and 59) are **OVERRULED**.
2. The Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells (Doc. No. 56) is **APPROVED** and **ADOPTED**.

3. The Petition for the Writ of Habeas Corpus filed *pro se* (Doc. No. 44) and the Amended Petition filed by appointed counsel (Doc. No. 51) are **DENIED**.
3. All outstanding motions are **DENIED** as moot.
4. Defendant has neither shown a denial of a constitutional right, nor established that reasonable jurists would disagree with this Court's disposition of his claims. Consequently, a certificate of appealability is **DENIED**.
5. The Clerk's Office shall close this case.

BY THE COURT:


JOEL H. SLOMSKY, J.

AC: MAILED
N. ADDERLY